

ORDINANCE NO. 2002 - 074

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **TRANSPORTATION ELEMENT** (TO PLACE A CONSTRAINED ROADWAY AT A LOWER LEVEL OF SERVICE (CRALLS) DESIGNATION ON BELVEDERE ROAD FROM JOG ROAD TO MILITARY TRAIL); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 14 & 28, July 12 & 22, 2002 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 24, 2002 and August 28, 2002 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on November 13, 2002 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated November 8, 2002 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of

Community Affairs contained no objections to the amendments contained in this ordinance;

WHEREAS, on December 18, 2002 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the 1989 Comprehensive Plan

Amendments to the text of the following Element of the 1989 Comprehensive Plan are hereby adopted and attached to this Ordinance in Exhibit 1:

- A. Transportation Element**, to place a Constrained Roadway at a Lower Level of Service (CRALLS) designation on Belvedere Road from Jog Road to Military Trail;
- B. Amending all elements as necessary for internal consistency.**

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

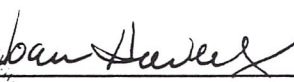


82 Part V. Effective Date

83 The effective date of this plan amendment shall be the date a
84 final order is issued by the Department of Community Affairs or
85 Administration Commission finding the amendment in compliance in
86 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
87 applicable. No development orders, development permits, or land uses
88 dependent on this amendment may be issued or commence before it has
89 become effective. If a final order of noncompliance is issued by the
90 Administration Commission, this amendment may nevertheless be made
91 effective by adoption of a resolution affirming its effective status,
92 a copy of which resolution shall be sent to the Florida Department of
93 Community Affairs, Division of Community Planning, Plan Processing
94 Team. An adopted amendment whose effective date is delayed by law
95 shall be considered part of the adopted plan until determined to be
96 not in compliance by final order of the Administration Commission.
97 Then, it shall no longer be part of the adopted plan unless the local
98 government adopts a resolution affirming its effectiveness in the
99 manner provided by law.

100 **APPROVED AND ADOPTED** by the Board of County Commissioners of
101 Palm Beach County, on the 18 day of December, 2002.

102
103 ATTEST:
104 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

105
106
107  By 
108 Deputy Clerk  Karen T. Marcus, Chair

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110 APPROVED AS TO FORM AND LEGAL SUFFICIENCY
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112 
113 COUNTY ATTORNEY

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115 Filed with the Department of State on the 24 day of
116 December, 2002
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EXHIBIT 1

A. Transportation Element, Belvedere Road Constrained Roadway at Lower Level of Service (CRALLS)

REVISIONS: To add language in Policy 1.2-f designating segments of Belvedere Road as a CRALLS facility. The added text is shown in underlined.

REVISED Policy 1.2-f: The Palm Beach County Board of County Commissioners finds the following facilities are constrained facilities and development orders shall be evaluated using the specific level of service standards identified herein instead of the Policy 1.1-b general level of service standards. (*Unchanged text omitted for brevity*)

26) The following roadway segments are hereby designated as a CRALLS facility:

- a) Belvedere Road from Jog Road to Drexel Road
Daily level of service standard: 40,275 vehicles per day
Peak hour standard: 3,886 vehicles per hour
- b) Belvedere Road from Drexel Road to Haverhill Road
Daily level of service standard: 44,599 vehicles per day
Peak hour standard: 4,232 vehicles per hour
- c) Belvedere Road from Haverhill Road to Military Trail
Daily level of service standard: 35,833 vehicles per day
Peak hour standard: 3,396 vehicles per hour

This CRALLS designation shall no longer be in effect based on any of the following events occurring:

- 1) December 31, 2005.
- 2) 1 year after completion of construction of Southern Boulevard and Okeechobee Boulevard to eight (8) lanes.
- 3) Corresponding segments of Southern Boulevard (SR 80) are operating below LOS D as an eight (8) lane facility.

CRALLS Mitigation Measures are to be implemented in conjunction with the Belvedere Road CRALLS including the following:

- 1) For the Johnson Property MUPD, Connectivity Measures – Extension of Cleary Road from its terminus north to Belvedere Road, Travel Demand Management (TDM) Measures – The developer will designate a TDM coordinator once 50% of the development is occupied.
- 2) For the Johnson Property PUD, Land Use / Site Planning Measures – Introduction of a landscaped non-vehicular corridor via the deeding of a 23.25 acre parcel to the Town of Haverhill to be utilized as a linear park.
- 3) Any other development utilizing this CRALLS designation must be subject to CRALLS mitigation criteria to be determined by the County Engineer, consistent with transportation Policy 1.2-q.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on December 18, 2002.
DATED at West Palm Beach, FL on 1/23/03.
DOROTHY H. WILKEN, Clerk
By: Nancy Brown D.C.